

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES,)
)
 Plaintiff,)
)
 v.) Case No. 09-3250-CV-S-FJG
)
 JAMES AUSTIN,)
)
 Defendant.)
)

REPORT AND RECOMMENDATION

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, this action was referred to the United States Magistrate Judge for a report and recommendation under 28 U.S.C. § 636(b).

Pursuant to 18 U.S.C. § 4246(e), the United States has filed a Motion for Conditional Release, stating it is the opinion of a risk assessment panel at the United States Medical Center for Federal Prisoners that the defendant has recovered from his mental disease or defect to such an extent that his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another (Doc. 24). The Warden has filed the appropriate Request for Conditional Release.

This matter was called for a hearing before the undersigned on July 16, 2013. The defendant was present personally and with appointed counsel Ian Lewis, Assistant Federal Public Defender. The United States was represented by Christina L. Scofield, Attorney Advisor at the

United States Medical Center. The defendant testified that he is aware of the conditions of release and agrees to abide by the conditions to be placed on his release.

IT IS THEREFORE RECOMMENDED that defendant be conditionally released pursuant to the conditions enumerated in the Memorandum for Warden Linda Sanders, from Angie Conover, LCSW, which is attached to the Motion for Conditional Release filed on June 19, 2013.¹

IT IS SO ORDERED.

DATED: July 17, 2013

/s/ *David P. Rush*
DAVID P. RUSH
United States Magistrate Judge

¹ All parties have agreed to waive the statutory 14-day waiting period in which to file exceptions. The matter will be submitted to the United States District Judge to whom it is assigned forthwith.